

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
300 Lakeside Drive, P. O. Box 12688, Oakland, CA 94604-2688

AGENDAS FOR BOARD AND COMMITTEE MEETINGS

March 27, 2008

9:00 a.m.

A regular meeting of the Board of Directors and regular meetings of the Standing Committees will be held on Thursday, March 27, 2008, commencing at 9:00 a.m. All meetings will be held in the BART Board Room, Kaiser Center 20th Street Mall – Third Floor, 344 – 20th Street, Oakland, California.

Members of the public may address the Board of Directors and Standing Committees regarding any matter on these agendas. Please complete a “Request to Address the Board” form (available at the entrance to the Board Room) and hand it to the Secretary before the item is considered by the Board. If you wish to discuss a matter that is not on the agenda during a regular meeting, you may do so under General Discussion and Public Comment.

Any action requiring more than a majority vote for passage will be so noted.

Items placed under “consent calendar” and “consent calendar addenda” are considered routine and will be received, enacted, approved, or adopted by one motion unless a request for removal for discussion or explanation is received from a Director or from a member of the audience.

Please refrain from wearing scented products (perfume, cologne, after-shave, etc.) to these meetings, as there may be people in attendance susceptible to environmental illnesses.

BART provides service/accommodations upon request to persons with disabilities and individuals who are limited English proficient who wish to address BART Board matters. A request must be made within one and five days in advance of Board/Committee meetings, depending on the service requested. Please contact the Office of the District Secretary at (510) 464-6083 for information.

Kenneth A. Duron
District Secretary

Regular Meeting of the
BOARD OF DIRECTORS

The purpose of the Board Meeting is to consider and take such action as the Board may desire in connection with:

1. CALL TO ORDER

- A. Roll Call.
- B. Pledge of Allegiance.
- C. Introduction of Special Guests.

2. CONSENT CALENDAR

- A. Approval of Minutes of the Meeting of March 13, 2008.* Board requested to authorize.

- B. Consolidation of District Elections.* Board requested to authorize.

RECESS TO STANDING COMMITTEES

Immediately following the Standing Committee Meetings, the Board Meeting will reconvene, at which time the Board may take action on any of the following committee agenda items.

ALL COMMITTEES ARE ADVISORY ONLY

ADMINISTRATION COMMITTEE

Director Franklin, Chairperson

NO REPORT.

ENGINEERING AND OPERATIONS COMMITTEE

Immediately following the Board Meeting recess

Director Fang, Chairperson

- B-1. Award of Invitation for Bid No. 8831, Cushion and Cover Assemblies.*
Board requested to authorize.

- B-2. General Discussion and Public Comment.

PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE

Immediately following the Engineering and Operations Committee Meeting

Director Ward Allen, Chairperson

- C-1. (CONTINUED from March 13, 2008, Planning, Public Affairs, Access,
and Legislation Committee Meeting)
District-wide Newspaper Advertising.* For information.

- C-2. General Discussion and Public Comment.

RECONVENE BOARD MEETING

3. CONSENT CALENDAR ADDENDA

Board requested to authorize as recommended from committee meetings above.

4. REPORTS OF STANDING COMMITTEES

A. ADMINISTRATION COMMITTEE

NO REPORT.

B. ENGINEERING AND OPERATIONS COMMITTEE

- B-1. Award of Invitation for Bid No. 8831, Cushion and Cover Assemblies.*
Board requested to authorize.

C. PLANNING, PUBLIC AFFAIRS, ACCESS, AND LEGISLATION COMMITTEE

- C-1. (CONTINUED from March 13, 2008, Planning, Public Affairs, Access, and Legislation Committee Meeting)
District-wide Newspaper Advertising.* For information.

5. GENERAL MANAGER'S REPORT

NO REPORT.

6. BOARD MATTERS

- A. Roll Call for Introductions.

7. GENERAL DISCUSSION AND PUBLIC COMMENT

8. CLOSED SESSION (Room 303, Board Conference Room)

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Name of Case: Wills v. BART – Alameda County Superior Case
No. HG04190564
Government Code Section: 54956.9(a)



EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Malca delange</i>		GENERAL MANAGER ACTION REQ'D: Approve and forward to Board of Directors		
DATE: c <i>3/7/08</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Kenneth A Duron Dept: District Secretary	General Counsel <i>Andreas</i> 3-6-08	Controller/Treasurer <i>[Signature]</i> 3-6-08	District Secretary <i>[Signature]</i> 3/6/08	BARC <i>[Signature]</i> 3-17-08
Signature/Date: <i>[Signatures]</i>				

TITLE:

CONSOLIDATION OF DISTRICT ELECTIONS

NARRATIVE:

PURPOSE: To receive Board approval of a resolution requesting the Boards of Supervisors of Alameda County, Contra Costa County, and the City and County of San Francisco to provide for the consolidation of the District election of members of the Board of Directors with the State of California general election to be held on November 4, 2008. The election districts are 1, 3, 5, 7, and 9.

DISCUSSION: In order to conform to the California State Elections Code, the District must request the Boards of Supervisors of the Counties of Alameda, Contra Costa and San Francisco to consolidate the San Francisco Bay Area Rapid Transit District election with the State of California general election. The attached resolution has been drafted to accomplish this.

FISCAL IMPACT: Funding in the amount of \$800,000 has been allocated in the Fiscal Year 2009 Operating Budget to cover both the District's share of the cost of the election and the cost of printing, handling, translating, and mailing the candidates' statements. Some of the costs for the candidates' statements will be reimbursed to the District. The Fiscal Year 2009 Operating Budget allocation covers both Election Consolidation and Candidates' Statement of Qualifications. Board Resolution No. 4652, adopted by the Board of Directors on March 27, 1997, (attached) establishes rules governing candidates' Statements of Qualifications for District elections.

ALTERNATIVES: None.

RECOMMENDATION: That the Board of Directors adopt the attached resolution requesting the Boards of Supervisors of Alameda County, Contra Costa County, and the City and County of San Francisco, to provide for the consolidation of the District election with the State of California general election, to be held on November 4, 2008.

MOTION: Adoption of the attached Resolution.

BEFORE THE BOARD OF DIRECTORS OF THE
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Resolution of the Board of Directors of
the San Francisco Bay Area Rapid Transit
District Establishing the District Rules
Governing Candidates' Statement of
Qualifications for District Elections /

Resolution No. 4652

WHEREAS, Section 13307 of the Elections Code of the State of California provides, among other things, that candidates for District office may prepare a candidate's Statement of Qualifications of up to 200 words; the Board may authorize an increase in the limitation on words for the statement from 200 to 400 words; the Board may require each candidate filing a statement to pay in advance his or her estimated pro rata share of the total cost of producing and mailing the candidate's statement; and that, before the nomination period opens, the Board shall determine whether a charge shall be levied against that candidate for the candidate's statement, and

WHEREAS, it is the intent of the Board of Directors of the San Francisco Bay Area Rapid Transit District to adopt rules governing candidates' Statements of Qualifications for District elections.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District, as follows:

1. Each candidate for the BART Board of Directors who prepares a candidate's Statement of Qualifications pursuant to California Elections Code Section 13307 shall be required to pay a total election fee of \$750 at the time of filing as part of the cost to the District of printing, handling, translating, and mailing the candidate's statement, including the cost of foreign language translations.

2. The limit on the length of the candidate's Statement of Qualifications shall be 200 words.

BE IT FURTHER RESOLVED that the District Secretary is authorized to adopt procedures consistent with Section 13309 of the Elections Code for relieving indigent candidates from paying the requisite fee; and

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BE IT FURTHER RESOLVED that each candidate filing as a candidate for BART Director must complete the State of California Fair Political Practices Commission's disclosure form entitled: "Statement of Economic Interests" and to file said form with the District Secretary of the San Francisco Bay Area Rapid Transit District; and

BE IT FURTHER RESOLVED that the provisions of this resolution shall govern the 1998 election and all subsequent elections for the District's Board of Directors unless otherwise modified by this Board.

Supersedes Resolution No. 4622, adopted June 27, 1996.

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BEFORE THE BOARD OF DIRECTORS OF THE
SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

Resolution of the Board of Directors of the
San Francisco Bay Area Rapid Transit District
requesting the Boards of Supervisors of Alameda
County, Contra Costa County, and the City and
County of San Francisco to provide for the
consolidation of a District election, electing
members of the Board of Directors,
with the State of California general election, to
be held on November 4, 2008 /

Resolution No.

WHEREAS, Section 28746.6 of the Public Utilities Code of the State of California provides:

“A general district election for the election of directors whose terms are to expire in that year shall be held and conducted on the first Tuesday after the first Monday in November of each even-numbered year and shall be consolidated, where possible, with the general election held on that date.” and

WHEREAS, Section 28746.8 of the Public Utilities Code of the State of California provides:

“Except as otherwise provided in this article, candidates for the Board shall be nominated, the election held and conducted, and the ballots canvassed in accordance with the provisions of the Uniform District Election Law.” and

WHEREAS, Section 28747.2 of the Public Utilities Code of the State of California provides:

“A candidate for election from any of the election districts shall be nominated and elected by the voters residing within the election district from which he is elected.” and

WHEREAS, Section 28747.4 of the Public Utilities Code of the State of California in part provides:

“The county elections official of each county within the boundaries of the district shall conduct the election and canvass the returns for those election districts or portions of election districts which are within the county of his or her jurisdiction as county elections official. After the official canvass has been taken, the county elections official shall report the returns, by election district number, to the board.” and

WHEREAS, a State of California General Election will be held on Tuesday, November 4, 2008; and

WHEREAS, the California State Legislature has established nine election districts within the San Francisco Bay Area Rapid Transit District as provided in Section 28745 of the Public Utilities Code of the State of California; and

WHEREAS, pursuant to Section 10522 of the Elections Code and 28750.4 of the Public Utilities Code of the State of California, the District has filed with the county elections official of each affected County a certified copy of Resolution No. 4821 of the Board of Directors of the San Francisco Bay Area Rapid Transit District which provides a map showing the boundaries of the District and the boundaries of the election districts and maps of the election districts prepared in accordance with Article 2.4 of Chapter 3 of Part 2 of Division 10 of the Public Utilities Code of the State of California; and

WHEREAS, the territory in which said election is to be held is, to wit, all of the territory of said Districts Nos. 1, 3, 5, 7, and 9 lying within the County of Alameda, the County of Contra Costa, and the City and County of San Francisco (hereinafter called the "Counties").

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Francisco Bay Area Rapid Transit District, as follows:

Section 1.

That the Boards of Supervisors of the Counties are hereby requested to order the consolidation of said district elections with said general election to be held on Tuesday, November 4, 2008, and to further provide that within the territory affected by said order of consolidation, to wit, the Counties, that except as otherwise provided in Article 2.2 of Chapter 3 of Part 2 of Division 10 of the Public Utilities Code of the State of California, the election shall be held and conducted and the ballots canvassed in accordance with the provisions of said Uniform District Election Law.

Section 2.

That the Secretary of the District is hereby authorized and directed to certify to the due adoption of this resolution and to file copies hereof, so certified, with the Board of Supervisors and with the county elections official of each of the counties.

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EXECUTIVE DECISION DOCUMENT

GENERAL MANAGER APPROVAL: <i>Marcia Delaney</i>		GENERAL MANAGER ACTION REQ'D: Approve and Forward to the Board of Directors		
DATE: <i>3/19/08</i>		BOARD INITIATED ITEM: No		
Originator/Prepared by: Susan Presley Dept:	General Counsel <i>Andrew Fawn</i> 3-18-08	Controller/Treasurer <i>[Signature]</i> 3/15/08	District Secretary	BARC <i>Paul Cheney</i> 3/19/08
Signature/Date:	[]	[]	[]	[]
Status: Approved		Date Created: 02/06/2008		

TITLE:

Invitation for Bid No. 8831 -- Procurement of Cushion and Cover Assemblies

NARRATIVE:

Purpose: To obtain Board authorization to award Invitation For Bid (IFB) No. 8831 to National Transit Interiors, Inc., Belmont, CA, in an amount not to exceed \$2,668,534.47, including all applicable sales tax, for the purchase of 200 carsets of cushion and cover assemblies for transit vehicles.

Discussion: As part of the District's efforts to improve the interior cleanliness of transit vehicles, which included the recently approved contract for spray-on flooring, the District intends to purchase 200 carsets of cushion and cover assemblies.

This is a twenty-four (24) month estimated quantity contract. Pursuant to the terms of the District's standard estimated quantity contract, during the term of the contract the District is required to purchase from the supplier a minimum amount of 50 percent of the contract bid price. Upon Board approval of this contract, the General Manager will also have the authority to purchase up to 150 percent of the contract bid price, subject to the availability of funding. Presently, \$2,000,000 is available for this contract. Additional funds, up to 150% of the bid price, will be available as soon as certain grant funds are received.

A notice requesting bids was published on January 9, 2008 and bid requests were mailed to eleven (11) prospective bidders. Bids were opened on January 22, 2008 and four (4) bids were received.

<u>Bidder</u>	<u>Unit Price</u>	<u>Total Including 8.75% Sales Tax</u>
National Transit Interiors, Inc. Belmont, CA	\$2,453,824.00	\$2,668,534.47
Kustom Seating and Upholstery, Inc. Bellwood, IL	\$2,896,983.60	\$3,150,469.67

Sedia, Inc. Glendale, WI	\$3,044,496.00	\$3,310,889.40
Fellfab Corp. College Park, GA	\$3,490,032.00	\$3,795,409.80

Independent cost estimate by BART staff: \$2,000,000.00.

Staff has determined that the bidder National Transit Interiors, Inc. submitted a responsive bid, and that the bid pricing is fair and reasonable based on similar purchases.

Fiscal Impact: Funding for this contract is included in the total budget for project 42AH - Car Interior Modifications. The Office of the Controller/Treasurer certifies that funds are currently available to meet this obligation.

FY07 Capital Assistance	52Z	\$2,000,000
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As of the period ending February 24, 2008, \$2,000,000 is available for commitment from this fund source for project 42AH and \$0 has been committed by BART to date. There are no pending commitments in BART's financial management system. This action will commit \$2,000,000 leaving an uncommitted balance of \$0. Any additional purchases above this amount will be subject to the availability of funding.

There is no fiscal impact on available unprogrammed District Reserves. Depending on need, and subject to certification of funding eligibility by Capital Development and Control, and availability by the Office of the Controller/Treasurer, additional quantities may be procured up to the not-to-exceed amount.

Alternatives: An alternative to awarding the bid would be to reject all bids and readvertise the contract.

Recommendation: On the basis of analysis by Staff, and certification by the Controller/Treasurer that the funds are available for this purpose, it is recommended that the Board adopt the following motion.

Motion: The Board authorizes the General Manager to award IFB No. 8831, an estimated quantity contract for cushion and cover assemblies to National Transit Interiors, Inc. for the bid price of \$2,668,534.47, including all applicable sales tax, pursuant to notification to be issued by the General Manager, subject to compliance with the District's Protest Procedure.